# Exhibit 6

#### **Brian Banner**

From: William Ramey <wramey@rameyfirm.com>
Sent: Thursday, October 27, 2022 12:11 PM

**To:** Brian Banner; Jeff Kubiak

**Subject:** RE: EscapeX v. Google - Request for Extension to Answer Second Amended Complaint

Attachments: IC charts.pdf; 2022-10-27 Plaintiff's ICs EscapeX Google.pdf

Hi Brian,

Please find EscapeX's infringement contentions attached.

Bill

From: Brian Banner <br/>
Sent: Monday, October 17, 2022 5:55 PM

**To:** Jeff Kubiak < jkubiak@rameyfirm.com>; William Ramey < wramey@rameyfirm.com> **Subject:** EscapeX v. Google - Request for Extension to Answer Second Amended Complaint

Bill & Jeff,

I just left voicemail for both of you. Please see attached and let me know if EscapeX will agree to the requested 5-day extension of time for Google to answer/respond to EscapeX's second amended complaint.

Thanks,

Brian C. Banner

**sgb** | [0] 512.402.3569 | [C] 512.468.6297 | sgbfirm.com

This message was sent by an attorney at law and may contain privileged and/or confidential matter. Please let the sender know if this message was received in error.

#### IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS WACO DIVISION

ESCAPEX IP LLC,	)
Plaintiff,	)
	) Civil Action No. 6:22-cv-00428
v.	)
	)
GOOGLE LLC,	) JURY TRIAL DEMANDED
Defendant.	)

#### PLAINTIFF'S PRELIMINARY INFRINGEMENT CONTENTIONS

EscapeX IP, LLC ("EscapeX") hereby serves its Preliminary Infringement Contentions for this matter. Attached are charts setting forth where in the accused products each element of the asserted claims of the following asserted patents is found:

• Exhibit A - US Patent No. 9,009,113 ("the '113 patent") (Claims asserted as charted) "Patent-in-Suit").

#### I. EARLIEST PRIORITY DATES

The '113 patent claims an earliest priority date of October 21, 2014. This is the priority date for all asserted claims.

# II. DOCUMENTS EVIDENCING CONCEPTION AND REDUCTION TO PRACTICE

EscapeX is relying on the filed patent applications for conception and reduction to practice, but reserves the right to supplement if further information is discovered.

#### III. FILE HISTORIES OF EACH PATENT-IN-SUIT

EscapeX is producing a copy of the file history for the Patents-in-Suit.

Sincerely,

**Ramey LLP** 

/s/William P. Ramey William P. Ramey, III Texas Bar No. 24027643 5020 Montrose Blvd., Suite 800 Houston, Texas 77006 (713) 426-3923 (telephone) (832) 900-4941 (fax) wramey@rameyfirm.com

Attorneys for EscapeX IP, LLC

#### **CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that all counsel of record who have appeared in this case are being served on this day of October 27, 2022, with a copy of the foregoing via e-mail.

/s/ William P. Ramey, III William P. Ramey, III

## Patent Claims Analysis

of

US9009113 B1: "System and method for generating artist-specified dynamic albums" against
YouTube Video

## US9009113B1

#### **United States**

Inventor Sephi Joseph Shapira
Current Assignee Escapex Ltd

#### Worldwide applications

2014 US 2015 US 2016 US US

#### Application US14/519,168 events

Application 0314/313,100 events		
2014-10-21	Application filed by Escapemusic Ltd	
2014-10-21	Priority to US14/519,168	
2014-10-21	Assigned to Escapemusic Limited	
2015-04-14	Application granted	
2015-04-14	Publication of US9009113B1	
2015-10-19	Priority claimed from PCT/IB2015/002157	
2015-12-30	Assigned to ESCAPEX LIMITED	

Owner name: ESCAPEX LIMITED, HONG KONG

Free format text: CHANGE OF NAME; ASSIGNOR: ESCAPEMUSIC LIMITED; REEL/FRAME: 037400/0022

Effective date: 20151016

#### **CLAIMS**

1. A computer implemented method for updating a dynamic album that includes a set of songs stored in relation to and played by an artist specific application associated with an artist, the method being implemented on a user device having one or more physical processors programmed with computer program instructions that, when executed by the one or more physical processors, cause the user device to perform the method, the method comprising:

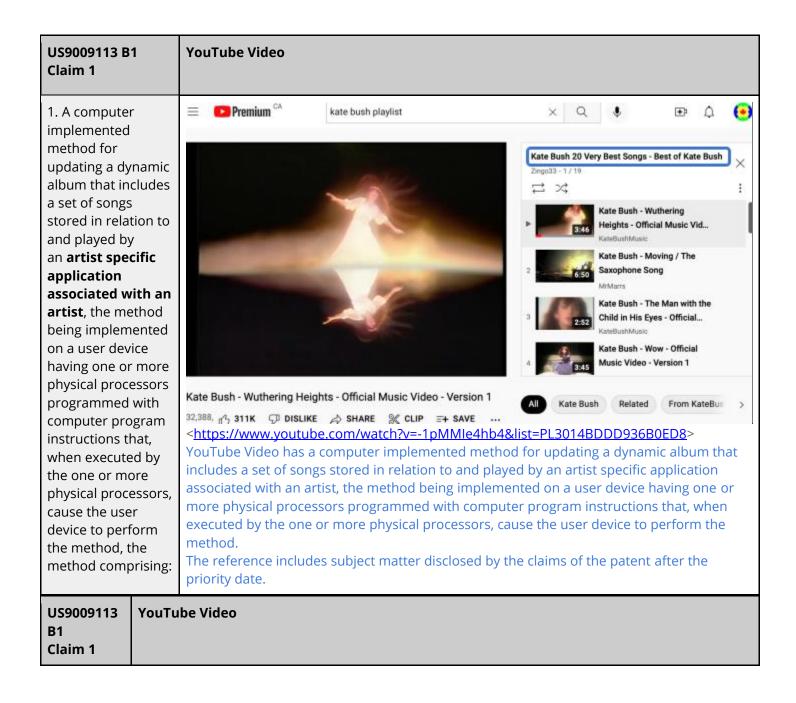
receiving, by the user device, one or more album parameters that specify a change to be made to the dynamic album that includes a plurality of songs, wherein the dynamic album is stored via information encoding the plurality of songs at the user device in association with the artist specific application that plays the dynamic album at the user device;

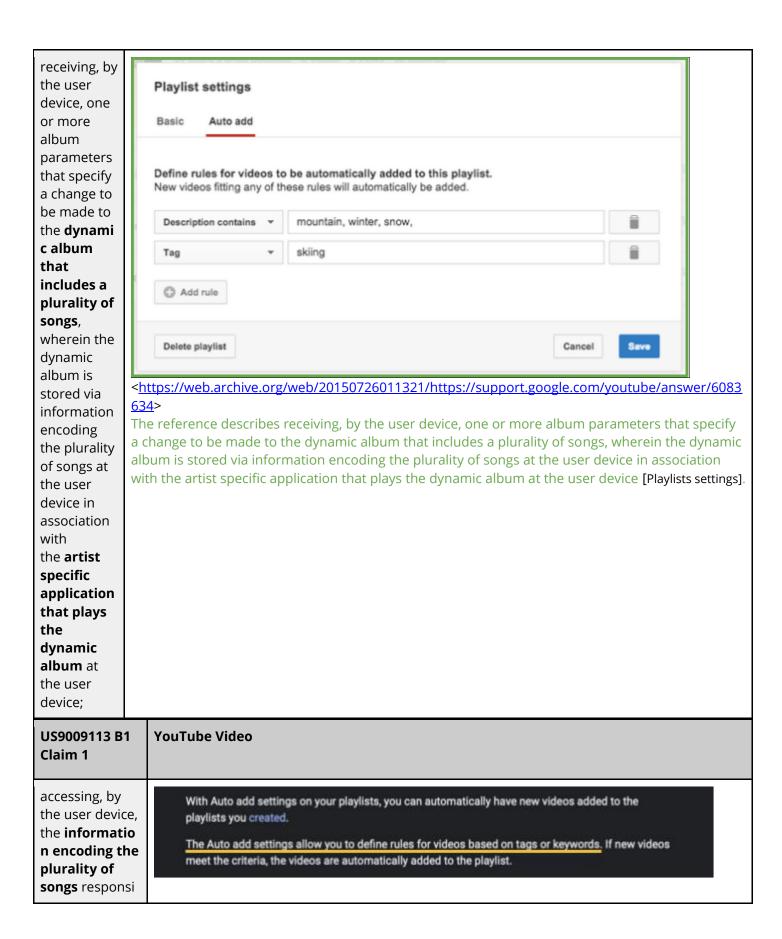
accessing, by the user device, the information encoding the plurality of songs responsive to receipt of the one or more album parameters;

modifying, by the user device, the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device;

storing, by the user device, the modified information encoding the plurality of songs at the user device; and

playing, by the user device, at least some of the dynamic album through the artist specific application based on the modified information encoding the plurality of songs at the user device.





ve to receipt of the one or more album parameters;	of <a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6_083634">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6_083634</a> The reference describes accessing, by the user device, the information encoding the plurality of songs responsive to receipt of the one or more album parameters [The Auto add settings allow you to define rules for videos based on tags or keywords]. YouTube Video
B1 Claim 1	
modifying, by the user device, the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device;	With Auto add settings on your playlists, you can automatically have new videos added to the playlists you created.  The Auto add settings allow you to define rules for videos based on tags or keywords. If new videos meet the criteria, the videos are automatically added to the playlist.
	<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634">https://support.google.com/youtube/answer/6083634</a> The reference describes modifying, by the user device, the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device [If new videos meet the criteria, the videos are automatically added to the playlist].
US9009113 B1 Claim 1	YouTube Video
storing, by the user device, the modifie d informatio n encoding the plurality of songs at the user device; and	<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634 The reference describes storing, by the user device, the modified information encoding the plurality of songs at the user device [If new videos meet the criteria, the videos are automatically added to the playlist].</a>

- 2. The method of claim 1, wherein the one or more album parameters originate from the artist associated with the artist specific application to change the dynamic album for users that have installed the artist specific application.
- 3. The method of claim 1, wherein the information encoding the plurality of songs is integrated with an executable file associated with the artist specific application.
- 4. The method of claim 1, wherein the one or more album parameters specify a new song to be added to the dynamic album, the method further comprising:
  - receiving information that encodes the new song, wherein modifying the information encoding the plurality of songs comprises re-encoding the information encoding the plurality of songs such that the new song is included in the dynamic album.
- 5. The method of claim 1, wherein the one or more album parameters specify a song to be removed from the dynamic album, the method further comprising: omitting the song to be removed during playback of the dynamic album.
- 6. The method of claim 5, wherein omitting the song to comprises deleting the song.
- 7. The method of claim 5, wherein omitting the song comprises updating an indicator associated with the song to be removed to indicate that the song should not be played in association with the dynamic album.
- 8. The method of claim 1, wherein the one or more album parameters specify a song to be replaced with a replacement song, the method further comprising:

- causing the replacement song to be played instead of the song to be replaced during playback of the dynamic album.
- 9. The method of claim 8, wherein the replacement song comprises a different version of a song to be replaced.
- 10. The method of claim 1, wherein the one or more album parameters specify a reshuffling of the dynamic album, the method further comprising:
  - changing an order in which the plurality of songs of the dynamic album is played based on the one or more album parameters.
- 11. The method of claim 1, wherein the plurality of songs is playable at the user device through only the artist specific application.
- 12. The method of claim 1, wherein the dynamic album is subject to a music lease that, when expires, renders the dynamic album unplayable, the method further comprising: determining whether the music lease has been expired; and rendering the dynamic album unplayable responsive to a determination that the music lease has expired.
- 13. The method of claim 1, the method further comprising: initiating playback of the dynamic album upon initiation of the artist specific application.

#### **TIMELINE ANALYSIS**

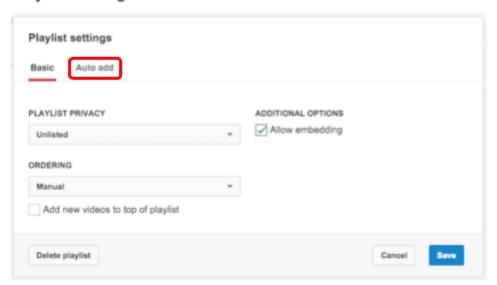
- US9009113 B1: "System and method for generating artist-specified dynamic albums"
- Priority date: 2014-10-21
- Google's YouTube Video (2015-07-26) <- Start of Auto-Add feature

<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/60836">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/60836</a> 34>



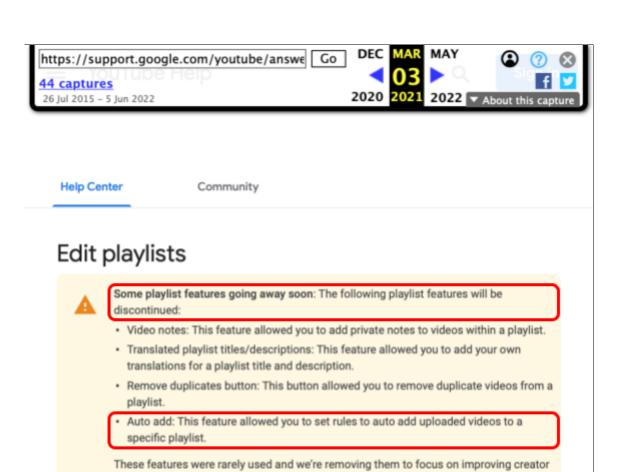
## Edit playlists

## Playlist settings



• Google's YouTube Video (2021-03-03) <- End of Auto-Add feature

<a href="https://web.archive.org/web/20210303061731/https://support.google.com/youtube/answer/6083634">https://web.archive.org/web/20210303061731/https://support.google.com/youtube/answer/6083634</a>



You can add or edit playlist titles and descriptions, reorder videos, or remove videos from a playlist.

your playlists. You have until October 8th, 2020 to download your data.

features. Playlists are core to YouTube and you can still use other features to manage

CONCLUSION: Google's YouTube Video infringed US9009113 for 6 years.

#### **CLAIMS**

14. A system for updating a dynamic album that includes a set of songs stored in relation to and played by an artist specific application associated with an artist, the system comprises:

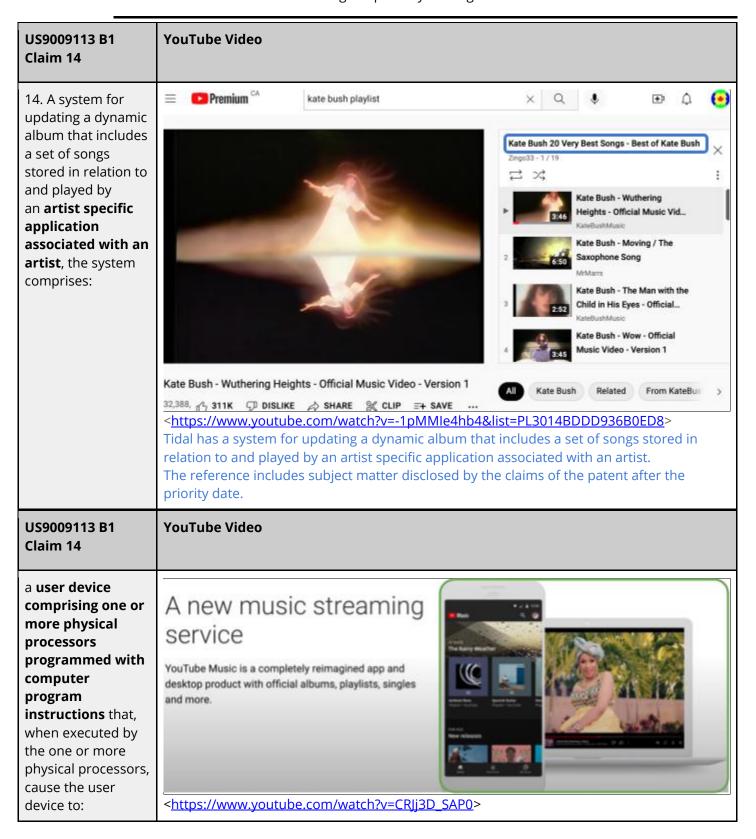
a user device comprising one or more physical processors programmed with computer program instructions that, when executed by the one or more physical processors, cause the user device to:

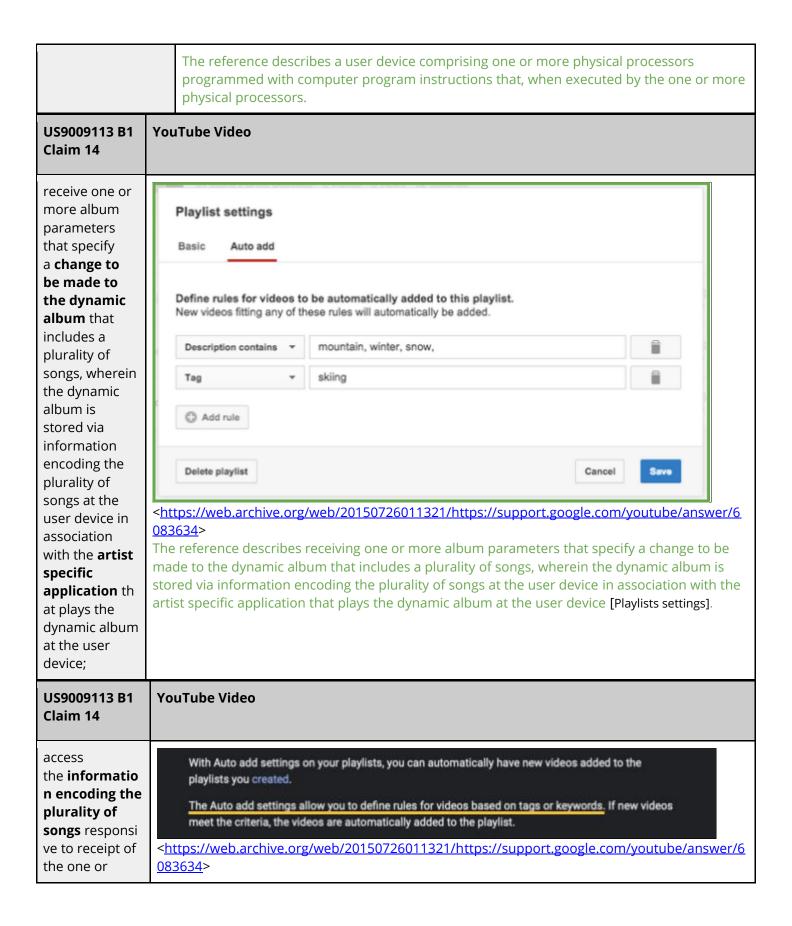
receive one or more album parameters that specify a change to be made to the dynamic album that includes a plurality of songs, wherein the dynamic album is stored via information encoding the plurality of songs at the user device in association with the artist specific application that plays the dynamic album at the user device;

access the information encoding the plurality of songs responsive to receipt of the one or more album parameters;

modify the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device; store the modified information encoding the plurality of songs at the user device; and

play at least some of the dynamic album through the artist specific application based on the modified information encoding the plurality of songs at the user device.





more album parameters;	The reference describes accessing information encoding the plurality of songs responsive to receipt of the one or more album parameters [The Auto add settings allow you to define rules for videos based on tags or keywords].	
US9009113 B1 Claim 14	YouTube Video	
modify the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without interventio n by a user of the user device;	<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634 The reference describes modifying the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device [If new videos meet the criteria, the videos are automatically added to the playlist].</a>	
US9009113 B1 Claim 14	YouTube Video	
store the modifie d informatio n encoding the plurality of songs at the user device; and	<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634</a> The reference describes storing the modified information encoding the plurality of songs at the user device [If new videos meet the criteria, the videos are automatically added to the playlist].	
US9009113 B1 Claim 14	YouTube Video	

plurality of songs at the user device.

## How playlists work

Our music playlists pull in music from across YouTube by using various signals. These include machine learning, social signals, signals from other Google products and services, and human input (including from our listeners). These playlists serve as one of many inputs to YouTube's recommendation system. The stronger a track performs in our music playlists and across YouTube, the more likely it is to surface to listeners.

<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/60836">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/60836</a> 34>

The reference describes playing at least some of the dynamic album through the artist specific application based on the modified information encoding the plurality of songs at the user device [Our music playlists pull in music from across YouTube by using various signals].

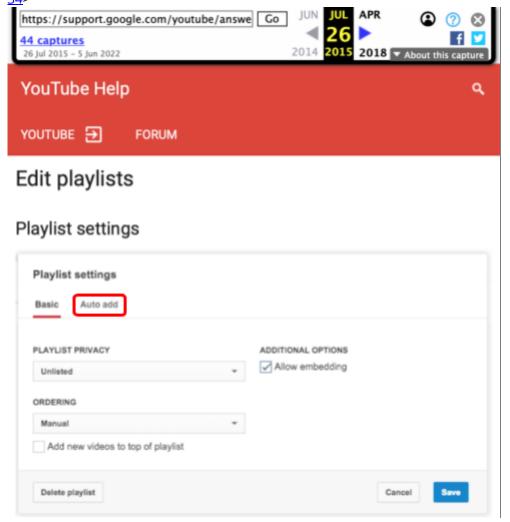
- 15. The system of claim 14, wherein the one or more album parameters originate from the artist associated with the artist specific application to change the dynamic album for users that have installed the artist specific application.
- 16. The system of claim 14, wherein the information encoding the plurality of songs is integrated with an executable file associated with the artist specific application.
- 17. The system of claim 14, wherein the one or more album parameters specify a new song to be added to the dynamic album, the user device further programmed to:
  - receive information that encodes the new song, wherein modifying the information encoding the plurality of songs comprises re-encoding the information encoding the plurality of songs such that the new song is included in the dynamic album.
- 18. The system of claim 14, wherein the one or more album parameters specify a song to be removed from the dynamic album, wherein the user device is further programmed to: omit the song to be removed during playback of the dynamic album.
- 19. The system of claim 18, wherein to omit the song, the user device is further programmed to delete the song.
- 20. The system of claim 18, wherein to omit the song, the user device is further programmed to: update an indicator associated with the song to be removed to indicate that the song should not be played in association with the dynamic album.
- 21. The system of claim 14, wherein the one or more album parameters specify a song to be replaced with a replacement song, the user device further programmed to:
  - cause the replacement song to be played instead of the song to be replaced during playback of the dynamic album.
- 22. The system of claim 20, wherein the replacement song comprises a different version of a song to be replaced.
- 23. The system of claim 14, wherein the one or more album parameters specify a reshuffling of the dynamic album, wherein the user device is further programmed to:
  - change an order in which the plurality of songs of the dynamic album is played based on the one or more album parameters.
- 24. The system of claim 14, wherein the plurality of songs is playable at the user device through only the artist specific application.

- 25. The system of claim 14, wherein the dynamic album is subject to a music lease that, when expires, renders the dynamic album unplayable, wherein the user device is further programmed to:
  - determine whether the music lease has been expired; and render the dynamic album unplayable responsive to a determination that the music lease has expired.
- 26. The system of claim 14, wherein the user device is further programmed to: initiate playback of the dynamic album upon initiation of the artist specific application.

#### TIMELINE ANALYSIS

- US9009113 B1: "System and method for generating artist-specified dynamic albums"
- Priority date: 2014-10-21
- Google's YouTube Video (2015-07-26) <- Start of Auto-Add feature

<a href="https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/60836">https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/60836</a> 34>



• Google's YouTube Video (2021-03-03) <- End of Auto-Add feature

<a href="https://web.archive.org/web/20210303061731/https://support.google.com/youtube/answer/6083634">https://web.archive.org/web/20210303061731/https://support.google.com/youtube/answer/6083634</a>



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## Edit playlists



Some playlist features going away soon: The following playlist features will be

- Video notes: This feature allowed you to add private notes to videos within a playlist.
- · Translated playlist titles/descriptions: This feature allowed you to add your own translations for a playlist title and description.
- · Remove duplicates button: This button allowed you to remove duplicate videos from a playlist.
- · Auto add: This feature allowed you to set rules to auto add uploaded videos to a specific playlist.

These features were rarely used and we're removing them to focus on improving creator features. Playlists are core to YouTube and you can still use other features to manage your playlists. You have until October 8th, 2020 to download your data.

You can add or edit playlist titles and descriptions, reorder videos, or remove videos from a playlist.

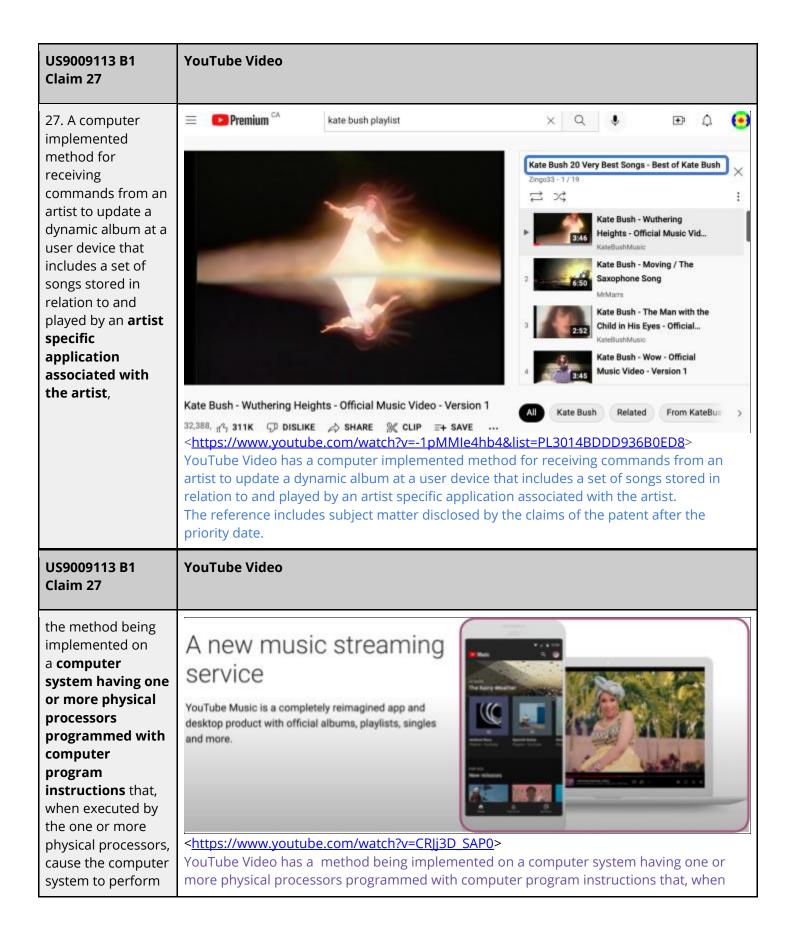
#### CONCLUSION: Google's YouTube Video infringed US9009113 for 6 years.

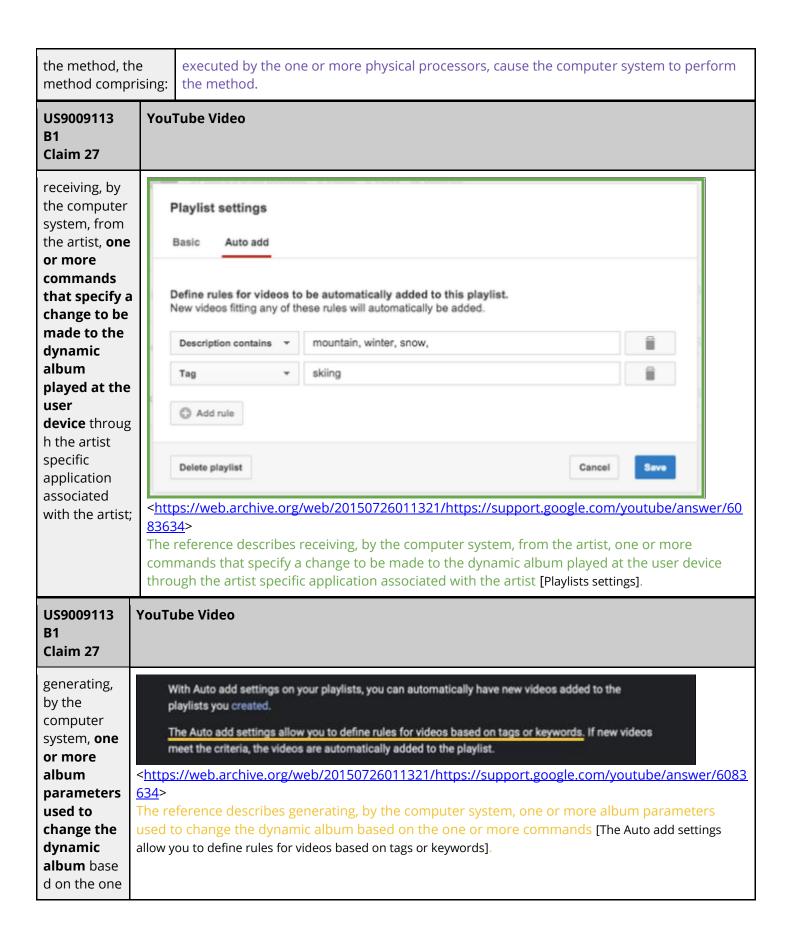
27. A computer implemented method for receiving commands from an artist to update a dynamic album at a user device that includes a set of songs stored in relation to and played by an artist specific application associated with the artist, the method being implemented on a computer system having one or more physical processors programmed with computer program instructions that, when executed by the one or more physical processors, cause the computer system to perform the method, the method comprising:

receiving, by the computer system, from the artist, one or more commands that specify a change to be made to the dynamic album played at the user device through the artist specific application associated with the artist;

generating, by the computer system, one or more album parameters used to change the dynamic album based on the one or more commands; and

providing, by the computer system, the one or more album parameters to at least the user device remote from the computer system at which the artist specific application is installed, wherein the one or more album parameters cause the user device to change the dynamic album in association with the artist specific application without intervention by a user of the user device.



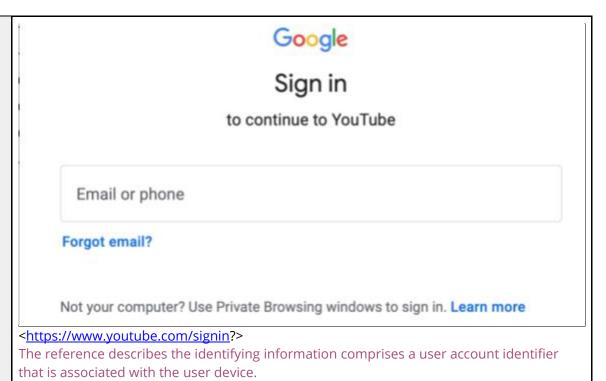


or more commands;	
US9009113 B1 Claim 27	YouTube Video
providing, by the computer system, the one or more album parameters to at least the user device remote from the computer system at which the artist specific application is installed, wherein the one or more album parameters cause the user device to change the dynamic album in association with the artist specific application with the artist specific application with the artist specific application without interventio n by a user of the user device.	With Auto add settings on your playlists, you can automatically have new videos added to the playlists you created.  The Auto add settings allow you to define rules for videos based on tags or keywords. If new videos meet the criteria, the videos are automatically added to the playlist.  *https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083 634>  The reference describes providing, by the computer system, the one or more album parameters to at least the user device remote from the computer system at which the artist specific application is installed, wherein the one or more album parameters cause the user device to change the dynamic album in association with the artist specific application without intervention by a user of the user device (If new videos meet the criteria, the videos are automatically added to the playlist).

- 28. The method of claim 27, wherein providing the one or more album parameters to the user device comprises:
  - identifying the user device based on identifying information used to identify the user device, wherein the one or more album parameters are provided based on the identification.
- 29. The method of claim 28, wherein the identifying information comprises a user account identifier that is associated with the user device.
- 30. The method of claim 27, wherein the one or more album parameters is provided to the user device responsive to a communication received from the first user device.

US9009113 B1 Claim 28	YouTube Video
28. The method of claim 27, wherein providing the one or more album parameters to the user device comprises: identifying the user device based on identifying information used to identify the user device, wherein the one or more album parameters are provided based on the identification.	Create your Google Account to continue to YouTube  First name  Last name  Your email address You'll need to confirm that this email belongs to you.
	<a href="https://www.youtube.com/signin?">https://www.youtube.com/signin?&gt; The reference describes identifying the user device based on identifying information used to identify the user device, wherein the one or more album parameters are provided based on the identification.</a>
US9009113 B1 Claim 29	YouTube Video

29. The method of claim 28, wherein the identifying information comprises **a user account identifier** that is associated with the user device.



#### TIMELINE ANALYSIS

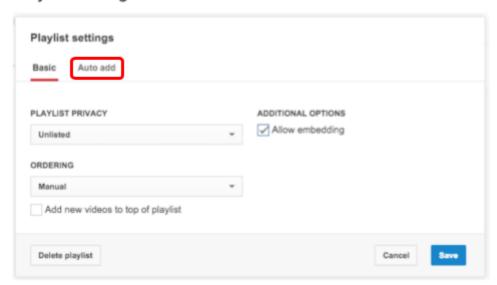
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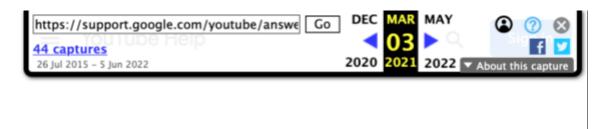
## Edit playlists

## Playlist settings



• Google's YouTube Video (2021-03-03) <- End of Auto-Add feature

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• CONCLUSION: Google's YouTube Video infringed US9009113 for 6 years.